A MEMORIAL

FOR THE RELEASE OF WILLIAM LYON MACKENZIE.

1819

TO THE PRESIDENT OF THE UNITED STATES:

SIR.—We the subscribers, inhabitants of and its vicinity, in the State of present ourselves before the Chief Magistrate of the Nation, with the freedom and respect of Republican Citizens, to ask a favor. It is, that William L. Mackenzie may be discharged from the fine and imprisonment imposed upon him, last month, by the Circuit Court of the United States held at Canandaigua, and restored to the open air of Heaven--the joyful embraces of his family—and a free intercourse with his fellow-men. We make this application without the solicitation, or even knowledge, of Mr. Mackenzie; and we make it in the full belief, that no public detriment can possibly arise from its being granted.

We are friends of liberty; and of just laws for its security. And we yield to none, in our regard for the faithful administration of such laws, by the proper judicial tribunals. But we are deeply impressed with the idea, that it is indispensable to free government, that the laws should be so interpreted, in all cases, as to uphold the great rights of individuals conferred upon them by higher authority than that of man. We admit, that emergencies occasionally arise, in the domestic affairs of States, and between Nations, imperatively requiring the high interposition of government, and which are of a nature to render it extremely difficult thus to frame and interpret the laws. In such emergencies, the interests of freedom would be in imminent jeopardy, were no discretion somewhere lodged, for their preservation. By our constitution a place is consecrated to such discretion; And we look to you, Sir, as filling that place.

The transactions into which it became the duty of the Circuit Court to enquire, were much perplexed, and very multifarious. Respectable men in Upper Canada, had long been discontented with the government of that Colony, and sought peaceably to reform it. Their attempts led only to stretches of power rendering reform more difficult, and at the same time more necessary. The consequences were, as might have been expected, a great excitement of ferocious and vindictive passions on the part of oppression, and the most intense resolution of resistance on the part of the oppressed. These passions and resolutions began the work of devastation and bloodshed, which soon drove Mr. Mackenzie to our shores. About the time of his arrival, men, women, and children—the fragments of families broken up and bearing all the marks of misery upon them, except the will to submit to their oppressors--were driven, by the same causes, from all the settled parts of Canada into our adjacent territories, and our whole northern frontier was lighted up by a sudden blaze of generous sympathy. All observation of present scenes, all recollections of past scenes, served only to quicken and extend these sympathies. Mr. Mackenzie was welcomed with unlimited enthusiasm as one of the leading representatives of exiled liberty, and he was encouraged to expect that what he witnessed in feeling, and what he heard uttered of principle and purpose, with the means spontaneously accumulating under his eye, would soon bear him back in triumph to his former residence, and assist, at least, in making his country one of the most honored dwelling places of human rights upon earth. It was amid such scenes and under such circumstances, that he unwittingly offended against our laws. We can scarcely admit, that, independent of positive enactment, he offended against right.

Some of us have known Mr. Mackenzie long and intimately. We have studied his character in the calm seclusions of private life, and amid the agitating conflicts of civil commotion—when peace and hope exerted their bland influences upon his deportment, and when strong provocation and deadly peril beset him; and we aver that, to our convictions, he has uniformly manifested a beneficent disposition, and a genuine attachment to freedom. He has been compelled to take an active part in affairs of the highest consequence, involving the greatest difficulties. He may have acted legally wrong, but never from malicious motives, never as a foe to his race.

He has passed the meridian of life, and his health is much impaired by toil, solicitude, and suffering.—He has an amiable and numerous family dependant for support and education upon his exertions, in a foreign land. And his domestic attachments, abilities and honorable industry give assurance, that with the enjoyment of his personal liberty that dependance would not be vain.

Whether he violated any law of Congress, or not, was so doubtful, after the most sagacious and able efforts to adduce proof against him, that, as we are informed, eight of the Jury were for some time, decided against his conviction. And our view of the evidence, as published, leaves us under impressions similar to those under which these Jurymen were disposed to act.

If he violated law, many others have done it, in the same emergency, with better opportunities of knowing its provisions, and less motive to engage, in their common course; and yet he is the first, and almost the only victim. Moreover, the law has now been honored by his conviction and condemnation: and the exigencies for which it was designed to provide, seem to have wholly disappeared. We conceive that not only public sentiment and the interests of the country would be consulted by his pardon, but that such a measure would best subserve the object of the law itself, since his liberation could not disturb nor, as we conceive, tend to disturb, the peace now existing on all this frontier.

With so many motives of safety, humanity and policy claiming his freedom, we respectfully ask, shall the venerable form of public justice assume the stern aspect of needless severity, and deny it?

Looking to the benignant objects of our constitution and laws, and the personal character of him, who justly holds the highest place in their guardianship, we cannot help entertaining the humble hope, that our application will be received with favor, and that Mr. Mackenzie will be speedily restored to the affections of his family and the intercourse of his friends.

We are, with perfect respect, Sir, your obedient fellow citizens.

July, 1839.